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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,730	09/23/1999	ENZO FEI	3572-7	5060

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IPLM GROUP, PA
BROADWAY PLACE WEST
SUITE 6600
1300 GODWARD STREET NE
MINNEAPOLIS, MN 55413-1741

EXAMINER

LUU, THANH X

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,730

Applicant(s)

FEI ET AL

Examiner

Thanh X Luu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 16, 17 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-12, 18 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This Office Action is in response to amendments and remarks filed September 11, 2002. Claims 1-18 and 22-29 are currently pending.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the axis of the semi-circular portion being coaxial with the axis of the hole in a first position and the axes being out of alignment in a second position must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 18 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Komatsu (U.S. Patent 5,274,723).

Regarding claims 1-4, 18 and 23-25, Komatsu disclose (see Figures 2-4) a securing device for releasably connecting at least one optical fiber (12) to an optical apparatus (16), where the optical apparatus comprises at least one photo-element (see

column 5, lines 16-20) mounted on a supporting element (31), the device including means for releasably connecting (18, 19) the at least one optical fiber in optical alignment with the at least one-photoelement, wherein at least a part of the device (11 or 31; see also column 4, lines 10-12, column 5, lines 33-34) is made from a transparent material making a region of the optical alignment in coupling between the at least one optical fiber and the at least one photo-element externally visible. Komatsu further disclose (see Figure 3) a cover or the supporting element (31) is made from transparent material.

4. Claims 5-7, 8-11 and 22, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (U.S. Patent 4,986,625).

Regarding claims 5-7, 8-11 and 22, Yamada et al. disclose (see Figures 1, 2 and 4A-4C) a securing device for connecting at least one optical fiber to an optical apparatus, the apparatus comprising at least one photo-element (6), the optical fiber connectable to the photo-element and at least one supporting element (10) provided with at least one guide hole (13), having an axis (center of hole), for the optical fiber wherein the device comprises a single-piece slide (20) provided with at least one fixed-size slot (22) having a semicircular portion having an axis (axis centered at larger part of 22), the slide moveable between a first and second predetermined position, the second position being defined by stops (23), the axis of the semi-circular portion of the slot, in the first position (Figure 4B) of the slide being coaxial with the axis of the hole of the supporting element and freely housing the optical fiber, and the axis of the semi-circular portion of the slot in the second position of the slide being out of alignment with the axis

of the hole (Figure 4C) and exerting on the optical fiber a force which keeps the optical fiber secured in the hole. Yamada et al. further disclose the at least one photo-element mounted on the supporting element. Yamada et al. also disclose (see Figures 11 and 13) the slide is provided with at least two slots and the optical apparatus is provided with at least two optical fibers. In addition, Yamada et al. further disclose (see Figures 4A-4C) the semi-circular portion has a radius greater than a radius of the optical fiber and the portion having a projecting arm or the slot is substantially C-shaped. Yamada et al. also disclose (see Figure 16) the device comprises a cover (150) provided with at least one hole for the passage of the optical fiber, the cover being provided with an enclosure supporting the slide for slidable movement, and housing an elastic means (154) in engagement with the slide to keep the slide in the second position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu.

Regarding claim 4, Komatsu further disclose (see column 4, lines 10-12) the transparent material is plastic. Komatsu does not specifically disclose the specific type of plastic. However, the plastics as claimed are notoriously well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention

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was made to provide the claimed plastic material in the apparatus of Komatsu to reduce costs as such plastics are readily available, easily molded and commonly used.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.

Regarding claim 12, Yamada et al. disclose the claimed invention as set forth above. Yamada et al. do not specifically disclose a notch as claimed. However, the particular shape of the slot is a matter of design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a notch in the slot of Yamada et al. to reduce the weight of the slide as desired.

Allowable Subject Matter

8. Claims 14, 16, 17 and 26-29 are allowed over the prior art of record.

9. Claims 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: a securing device as claimed, more specifically in combination with having a pin and having the cover or slide made from transparent material, to make the region of optical alignment externally visible is not disclosed or made obvious by the prior art of record.

Response to Arguments

11. Applicant's arguments with respect to claims 1-4, 18 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

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Regarding Applicant's arguments with respect to claim 5 and its dependent claims, since an axis of the slot is not defined, the axis could be located anywhere along the slot. Applicant has not shown or described where the axis of the slot or semi-circular region is located. Thus, as set forth above, the claims are anticipated by Yamada et al.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
November 27, 2002


Thanh X. Luu
Patent Examiner